



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.C20/C/USA

In re Application of: )  
Joseph J. Walto et al. )  
Serial No. 10/804,850 )  
Filed 03/19/2004 ) Group Art Unit 3652  
For TRACKED COMPACT ) Examiner D. Underwood  
UTILITY LOADER )  
)  
)  
)  
)

**ESTABLISHMENT OF ASSIGNEE'S RIGHTS UNDER 37 C.F.R. § 3.73**  
**AND POWER OF ATTORNEY FROM ASSIGNEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Toro Company is the assignee of the entire right, title, and interest in and to the above-identified invention, and in and to the above-identified U.S. patent application relating thereto, by virtue an Assignment from the original inventors.

Pursuant to 37 C.F.R. §3.73, The Toro Company has the right to prosecute the above-identified application by virtue of this Assignment. A copy of this Assignment is attached. The original Assignment has been or is being concurrently forwarded to the U.S. Patent and Trademark Office for recording. The Toro Company hereby states that its representatives have reviewed the Assignment and hereby further certifies that, to the best of its knowledge and belief, title to the above-identified patent application is in The Toro Company.

In furtherance of its right under 37 C.F.R. §371 to prosecute the above-identified patent application to the exclusion of the original inventors, The Toro Company hereby appoints the following as its attorneys or agents to transact all business in the Patent and Trademark Office concerning the above-identified U.S. patent application:

James W. Miller, Registration No. 27,661;  
R. Lawrence Buckley, Registration No. 30,732;  
Donald S. Trevarthen, Registration No. 35,718; and  
Douglas R. Hanscom, Registration No. 26,600.

Please direct all future correspondence concerning these proceedings to:

James W. Miller, Esq.  
Attorney at Law  
Suite 1960  
Rand Tower  
527 Marquette Avenue  
Minneapolis, MN 55402

Telephone (612) 338-5915  
Fax (612) 338-5989

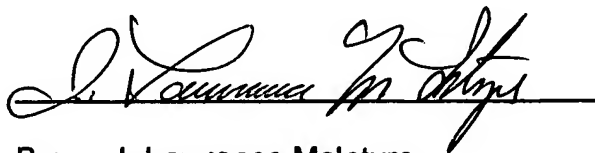
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Respectfully submitted,

June 15, 2006

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Date



By: J. Lawrence McIntyre

Title: Vice President, Secretary &  
General Counsel

**ASSIGNMENT**

WHEREAS, We, Joseph J. Walto and Philip G. Stalpes, residing or having a mailing address at 16360 Carver Highlands Drive, Carver, MN. 55315 and 7950 Corcoran Trl. E., Hamel, MN 55340, respectively, have made certain new and useful inventions and improvements for which we executed an application for Letters Patent of the United States which is entitled TRACKED COMPACT UTILITY LOADER, the specification of which was filed March 19, 2004 as Serial Number 10/804,850;

AND, WHEREAS, The Toro Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 8111 Lyndale Avenue South, Bloomington, Minnesota is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and applications and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said The Toro Company, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and

WE do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said The Toro Company as the assignee of the entire right, title and interest in and to the same, for the use of said The Toro Company, its successors or assigns.

AND, for the consideration aforesaid, we do hereby agree that we, or our executors or legal representatives, will make, execute and deliver any and all other instruments in writing relating to said inventions and improvements including any and all further application papers, affidavits, assignments and other documents, and will communicate to said The Toro Company, its representatives, successors or assigns, any and all facts known to us relating to said inventions and improvements and the history thereof, and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said The Toro Company, its successors or assigns the entire right, title and interest in and to the improvements, inventions;

applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, FURTHERMORE, we covenant and agree with said The Toro Company, its successors or assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that the full right to convey the same as herein expressed is possessed by us.

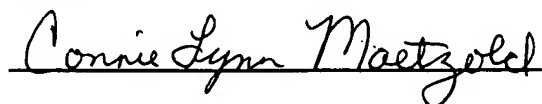
IN TESTIMONY WHEREOF, we have hereunto set our hands, as of the date written below adjacent our signatures.

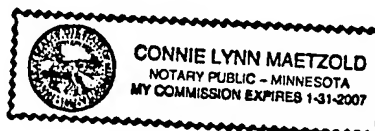
Full Name of First Inventor	Signature	Date
Joseph J. Walto		6/12/06
Full Name of Second Joint Inventor, If Any	Signature	Date
Philip G. Stalpes		6/15/06
Full Name of Third Joint Inventor, If Any	Signature	Date
Full Name of Fourth Joint Inventor, If Any	Signature	Date
Full Name of Fifth Joint Inventor, If Any	Signature	Date

STATE OF MINNESOTA )  
COUNTY OF CARVER )

On this 12 day of June, 2006, before me personally appeared Joseph J. Walto, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Notary Public





STATE OF )  
COUNTY OF )

On this 5<sup>th</sup> day of June, 2006, before me personally appeared Philip G. Stalpes, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Notary Public

Marguerite Gerold





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CHANGE OF CORRESPONDENCE ADDRESS

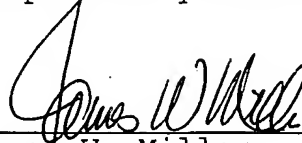
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please change the correspondence address for all future communications regarding this application, or for any patent issuing from this application, to:

James W. Miller, Esq.  
Suite 1960  
Rand Tower  
527 Marquette Avenue  
Minneapolis, MN 55402.

Respectfully submitted,



July 5, 2006

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